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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/780,308	02/09/2001	Fu-Tai Shih	10005922-1	6695

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EXAMINER
BAYARD, DJENANE M

ART UNIT	PAPER NUMBER
2141	

DATE MAILED: 03/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/780,308	SHIH ET AL.
	Examiner	Art Unit	
	Djenane M. Bayard	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>22 December 2005</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5-7,9 and 10* is/are rejected.

7)☒ Claim(s) *4 and 8* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This is in response to amendment filed on 12/22/05 in which claims 1-10 are pending.

Response to Arguments

2.   Applicant's arguments have been fully considered but they are not persuasive.

a.   As per claim 1, Applicant argues that there is no mention of HTTP request. However,

Kenworthy teaches wherein the firewall examines the header of a data packet and determines

whether the data packet meets certain minimum format requirements. For example a particular

protocol network may require the header of a data packet to contain certain fields, having certain

information and comprising a certain number of bytes. HTTP is a request/response protocol

between client and servers (See col. 7). It is well known in the art that "HTTP request" are data

packets sent from a client to a server based on the HTTP protocol. Therefore, it is would have

been obvious to one with ordinary skill in the art to consider an http request as a data packet.

Furthermore, Applicant argues that Kenworthy has no mention of withholding or retiring and

data packets with incomplete packet headers are discarded immediately. Claim 1 recites

"withholds from a request processor incomplete HTTP requests and that retires incomplete

HTTP request to avoid exceeding a storage limitation." However, if the "exceeding storage

limitation" is set to null the request will be immediately discarded as set forth in the claimed

invention of Kenworthy. The applicant is interpreting the claims very narrow without

considering the broad teaching of the references used in the rejection. It should be noted the

Office is entitled to the broadest reasonable interpretation of the claims.

b.   As per claim 2, Applicant argues that neither Kenworthy nor Goddard discloses a trap

that sends complete HTTP request to a deferral manager. However, Kenworthy clearly teaches a

filter that will forward authorized data packet to the data management component (See col. 7).

Goddard teaches wherein requests are forwarded from the server to the dispatcher. The

dispatcher stored data requests received form clients (See page 3, paragraph [0028]).

Furthermore, Goddard teaches wherein the request is HTTP request (See page 3, paragraph

[0033]).

c.   As per claim 3 and 7, Applicant argues that neither Kenworthy nor Nace discloses

incomplete HTTP request. However, Kenworthy teaches wherein the firewall examines the

header of a data packet and determines whether the data packet meets certain minimum format

requirements. For example a particular protocol network may require the header of a data packet

to contain certain fields, having certain information and comprising a certain number of bytes.

HTTP is a request/response protocol between client and servers. It is well known in the art that

"HTTP requests" are data packets sent from a client to a server based on the HTTP protocol.

Therefore, it is would have been obvious to one with ordinary skill in the art to consider an http

request as a data packet.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 1 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent

No. 6,317837 to Kenworthy.

a.   As per claims 1 and 5, Kenworthy teaches an admissions control system for a host site

comprising a trap that withholds from a request processor incomplete HTTP requests (See col. 7,

lines 59-65, If the necessary information is not included in the data packet, the data packet is

deemed incorrectly) and that retires incomplete HTTP requests to avoid exceeding a storage

limitation (See col. 7, lines 64-635 if the incoming data packet header is determined to be

incomplete, the data packet is immediately discarded)

5.   Claims 9 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Denial of

service Protection, The Nozzle to Elizabeth Strother.

a.   As per claims 9 and 10, Strother teaches an admission control system for a host site

comprising a trap that withholds from a request processor initially incomplete HTTP requests

(See pages 37-39, *any ring in the nozzle can be configured to block traffic upon certain criteria*

... Each ring has a trusted buffer and an untrusted buffer), said trap passing subsequently

completed ones of said initially incomplete HTTP requests to said request processor (See page

37, *Each ring has a configurable policy to move data from the untrusted buffer to the trusted*

buffer...a ring can be configured to request additional information from the source thereby

gathering additional information about the source to determine trustworthiness), said trap

retiring without passing to said request processor those of said initially incomplete HTFP

requests that fail to be completed before a time allowed for their completion lapses (See page 38

and 39, *if the occupied portion of the untrusted buffer exceeds the threshold value, the timeout*

value will be decreased until the occupied space of the buffer is lower than the threshold).

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

7.   Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No.

6,317837 to Kenworthy and further in view of U.S. Patent Application No. 2002/0083117 to

Goddard.

a.   As per claim 2, Kenworthy teaches the claimed invention as described above. However

Kenworthy fails to teach a deferral manager, said trap sending complete HTTP requests to said

deferral manager, said deferral manager sending some of said complete HTTP requests to said

request processor and responding with deferral messages to some others of said complete HTTP

requests.

Goddard teaches said trap sending complete HTTP requests to said deferral manager, said

deferral manager sending some of said complete HTTP requests to said request processor and

responding with deferral messages to some others of said complete HTTP requests (See page 1,

paragraph [0010]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate said trap sending complete HTTP requests to said deferral manager, said deferral manager sending some of said complete HTTP requests to said request processor and responding with deferral messages to some others of said complete HTTP requests as taught by Goddard in the claimed invention of Kenworthy in order to provide quality, reliability and timeliness assurances (See page 1, paragraph [0003]).

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9.   Claims 3, 6 and 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,317837 to Kenworthy in view of U.S. Patent No. 6,823380 to Nace et al.

a.   As per claims 3 and 6, Kenworthy teaches the claimed invention as described above. However, Kenworthy fails to teach wherein said trap includes at least one queue and a queue manager, said queue manager storing incomplete HTTP requests in said queue, said queue manager retiring a previously stored recent incomplete HTTP request when necessary to make room for a new incomplete HTTP request.

Nace et al teaches at least one queue and a queue manager, said queue manager storing incomplete HTTP requests in said queue, said queue manager retiring a previously stored recent

incomplete HTTP request when necessary to make room for a new incomplete HTTP request

(See col. 2, lines 5-30)

It would have been obvious to one with ordinary skill in the art at the time the invention

was made to incorporate at least one queue and a queue manager, said queue manager storing

incomplete HTTP requests in said queue, said queue manager retiring a previously stored recent

HTTP request when necessary to make room for a new HTTP request as taught by Nace et al in

the claimed invention of Kenworthy in order to read and process the requests based upon a rate

determined by the scheduler (See col. 5, lines 12-16).

b.   As per claim 7, Kenworthy teaches the claimed invention as described above.

Furthermore, Kenworthy teaches storing a first incomplete HTTP request; and retiring a

previously stored incomplete HTTP request when necessary to make room for said first

incomplete HTTP request (See page 5, paragraph [0041]). However, Kenworthy et al failed to

teach wherein the requests are stored in a queue.

Nace et al teaches wherein the requests are stored in a queue (See col. 2, lines 5-30).

It would have been obvious to one with ordinary skill in the art at the time the invention

was made to incorporate wherein the request are stored in a queue as taught by Nace et al in the

claimed invention of Kenworthy in order to read and process the requests based upon a rate

determined by the scheduler (See col. 5, lines 12-16).

Allowable Subject Matter

10.   Claims 4 and 8 are objected to as being dependent upon a rejected base claim, but would

be allowable if rewritten in independent form including all of the limitations of the base claim

and any intervening claims.

Conclusion

11.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

12.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Djenane M. Bayard whose telephone number is (571) 272-3878.

The examiner can normally be reached on Monday- Friday 5:30 AM- 3:00 PM..
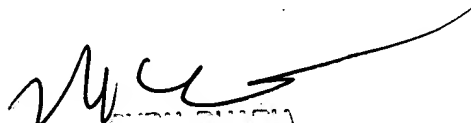
If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Djenane Bayard

Patent Examiner